

II. REMARKS

A. Status of the claims

Claims 15, 20-23 and 25 are currently pending. Claims 1-14, 16-19 and 24 have been cancelled without prejudice. Claims 16 and 20-23 have been amended. New claim 25 has been added. Support for the amendments to claims 16 and 20-23 and new claim 25 can be found at page 9 of the specification and in the previously submitted claims. It is respectfully submitted that no new matter has been added by virtue of these amendments.

B. Rejections under 35 U.S.C. §102

Bok et al.

In the Office Action, the Examiner rejected claims 15 and 20-23 under 35 U.S.C. §102(b) as being anticipated by Bok et al. (U.S. 6,096,364).

Before addressing the rejection, Applicants note that claims 20-23 have been cancelled and claim 15 has been amended as follows:

Claim 15. (Currently amended) A method of treating a mammal having metabolic abnormalities resulting from insulin resistance comprising administering an effective amount of a at least one polymethoxyflavone compound composition comprising sinensetin, nobilten, tangeretin, heptamethoxyflavone and tetramethylscutellarein to reduce serum insulin levels by at least about 26%.

Applicants respectfully submit that Bok et al. fails to teach or suggest a polymethoxyflavone composition comprising sinensetin, nobilten, tangeretin, heptamethoxyflavone and tetramethylscutellarein. Further, Bok et al. does not specifically describe tetramethylscutellarein in the compositions described therein.

Accordingly, as Bok et al. fails to teach each and every element of the present claims, Applicants respectfully request that the Examiner remove the §102(b) rejection over Bok et al.

Kurowska et al.

In the Office Action, the Examiner also rejected claims 15-17, 20 and 21 under 35 U.S.C. §102(b) as being anticipated by Kurowska et al.

Before addressing the rejection, Applicants note that claims 16 and 17 and claim 15 has been amended as discussed above.

Applicants respectfully submit that Kurowska et al. discloses the use of tangeretin for the treatment of hyperlipidemia. Applicants respectfully submit that Kurowska et al. fails to teach or suggest a polymethoxyflavone composition comprising sinensetin, nobilten, tangeretin, heptamethoxyflavone and tetramethylscutellarein.

As Kurowska et al. fails to each and every element of the present claims, Applicants respectfully request that the Examiner remove the §102(b) rejection over Kurowska et al.

C. Rejections under 35 U.S.C. §103

In the Office Action, the Examiner maintained the rejection of claims 18, 19 and 24 under 35 U.S.C. §103(a) as being unpatentable over Bok et al. in view of Kurowska et al.

Before addressing the rejection, Applicants note that claims 18, 19 and 24 have been cancelled and claim 15 has been amended as discussed above.

Applicants respectfully submit that at the very least, neither Bok et al. nor Kurowska et al. specifically describe tetramethylscutellarein in the compositions described therein. Therefore, a combination of these references cannot teach or suggest the presently claimed method which requires the use of tetramethylscutellarein.

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Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. § 103(b) over Bok et al. and Kurowska et al. be removed.

III. Conclusion

It is respectfully submitted that in view of the actions taken, all rejections have been obviated. An early and favorable action on the merits is earnestly solicited.

According to currently recommended Patent Office policy the Examiner is requested to contact the undersigned in the event that a telephonic interview will advance the prosecution of this application.

Respectfully Submitted,
DAVIDSON, DAVIDSON & KAPPEL, LLC

By: Robert J. Paradiso by Elizabeth K. Futwin
Robert J. Paradiso
Reg. No. 41,240
by. No. 52,121

DAVIDSON, DAVIDSON & KAPPEL, LLC
485 Seventh Avenue, 14th Floor
New York, New York 10018
(212) 736-1940